

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROBERT CORLEY,

Plaintiff,

Case No. 3:07 CV 1153

-vs-

MEMORANDUM OPINION
AND ORDER

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

KATZ, J.

Before the Court is the Report and Recommendation of the Magistrate Judge filed August, 20, 2008 in the above-entitled action. Under the relevant statute:

Within ten (10) days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

United States v. Campbell, 261 628 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C.A. §

636(b)(1). In this case, the ten day period has elapsed and no objections have been filed.

Therefore, the failure to file written objections to the Magistrate Judge's report and recommendation constitutes a waiver of a determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1994), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Following review of the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety as the Order of the Court. The case is remanded for further articulation regarding the ALJ's implicit rejection of Dr. Finken's

diagnoses and for further articulation regarding the ALJ's rejection of Plaintiff's claims of disabling pain. The remainder of Plaintiff's claims are dismissed.

IT IS SO ORDERED.

S/ David A. Katz
DAVID A. KATZ
SENIOR U. S. DISTRICT JUDGE